

ROD STONE (Cal. Bar No. 145405)
JULIE KIMBALL (Cal. Bar No. 252449)
MICHAEL MENSSEN (Cal. Bar No. 273388)
BRANDON STOKER (Cal. Bar No. 277325)
KAREN MOODY (Cal. Bar No. 273178)
Gibson, Dunn & Crutcher LLP
333 South Grand Avenue
Los Angeles, California 90071
(213) 229-7000

Attorneys for Petitioners VENICE STAKEHOLDERS
ASSOCIATION and MARK RYAVEC

BEFORE THE
POSTAL REGULATORY COMMISSION
WASHINGTON, D.C. 20268-0001

In the matter of:

Venice Main Post Office
Venice, California 90291
(Mark Ryavec and Venice
Stakeholders Association,
Petitioners)

Docket No. A2012-17

**PETITIONERS VENICE STAKEHOLDERS ASSOCIATION AND MARK RYAVEC'S
INITIAL BRIEF AND OPPOSITION TO MOTION TO DISMISS APPEAL OF POST
OFFICE CLOSURE**

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STATEMENT OF THE CASE

On October 13, 2011, Venice Stakeholders Association, Inc., and Mark Ryavec (“Petitioners”) filed a petition for review of the decision to close the Venice Main Post Office (“VMPO”). The United States Postal Service (“USPS”) filed a motion to dismiss on October 27, 2011. On November 14, 2011, Petitioners requested an extension of time, moved to compel the production of the administrative record, and requested leave to respond to the motion to dismiss in their initial brief. On November 16, 2011, the Commission granted those requests in PRC Order No. 967. Petitioners submit this brief pursuant to 39 C.F.R. § 3001.115 and PRC Order No. 967.

In short, Petitioners contend that the USPS’s decision to close the VMPO will result in 40,000 residents of the Venice community left with no post office retail services for an indefinite period of time, or even permanently. The USPS claims it plans to merely relocate the retail services currently offered at the VMPO to the Venice Carrier Annex (“Annex”); however, the USPS has not disclosed any definite plan to convert the Annex. There is no question that such renovations will necessitate substantial time and cost, if they are even done at all. Thus, the USPS’s decision with regard to the VMPO must be viewed as a closure not a relocation, and there is no dispute that the USPS failed to comply with the closure requirements of 39 C.F.R. § 241.3.

FACTUAL BACKGROUND

Venice is a community in the City and County of Los Angeles, California. It has approximately 40,000 residents, and it is a popular tourist destination. Ex. B, Affidavit of Mark Ryavec (“Ryavec Aff.”) ¶¶ 2, 4. The only post office in this community is the VMPO, located at 1601 Main Street. *Id.* On July 18, 2011, the USPS announced its

decision to move retail services from the VMPO to the Annex at 313 Grand Boulevard.

Ex. A,¹ Administrative Record (“AR”) Item 15 at 1.

The VMPO is located in a congested part of the community near the ocean. Ex. B, Ryavec Aff. ¶ 4; Ex. C, Affidavit of Nancy Williamson (“Williamson Aff.”) ¶ 4; Ex. D, Affidavit of Pegarty Long (“Long Aff.”) ¶ 3; Ex. E, Affidavit of Jonathan Kaplan (“Kaplan Aff.”) ¶ 3. The VMPO contains 23,700 square feet, with a portion set aside for retail space and post office boxes. Ex. A, AR Item 2 at 2. It is typically a busy post office, with regular wait times of 20-25 minutes. Ex. B, Ryavec Affidavit ¶ 3; Ex. C, Williamson Aff. ¶ 4; Ex. D, Long Aff. ¶ 3; Ex. E, Kaplan Aff. ¶ 3. There are five customer service windows. Ex. B, Ryavec Aff. ¶ 3. Although two or three windows are usually open, four or even all five may be open during the busy season, with wait times of 30 minutes or more. Ex. B, Ryavec Aff. ¶ 3; Ex. D, Long Aff. ¶ 3; Ex. E, Kaplan Aff. ¶ 3. Additionally, approximately 1,415 post office boxes are currently in use in the VMPO. Ex. A, AR Item 2 at 4.

The VMPO has 18 dedicated customer parking spaces (17 standard and one handicapped), as well as two short-term street parking spaces directly out front. Ex. B, Ryavec Aff. ¶ 4; Ex. C, Williamson Aff. ¶ 5; Ex. D, Long Aff. ¶ 4. The parking lot is frequently at capacity, and street parking is often unavailable because of the number of visitors in the summer and on weekends and holidays. *Id.*

The proposed “relocation” space, the Annex, currently serves 62 carrier routes in Venice, Playa del Rey, and Marina del Rey, and contains 15,890 square feet of space. Ex. A, AR Item 2 at 2, 4. The Annex contains no retail space or post office boxes. Ex.

¹ For the sake of brevity, Exhibit A includes only selected portions of the Administrative Record cited in this brief.

A, AR Item 2 at 4. It is unknown how many Post Office boxes, if any, are planned for the Annex.² Ex. A, AR Item 2 at 5. The Annex is also near the ocean, and its parking lot would be unable to absorb the combination of retail customers' vehicles, carriers' personal vehicles, and carrier trucks. Ex. B, Ryavec Aff. ¶ 8.

On September 1, 2011, Diana Alvarado, a regional manager of real estate with the USPS, met with Congresswoman Janice Hahn and Petitioner Mark Ryavec to discuss the proposed relocation. Ex. B, Ryavec Aff. ¶ 8; Ex. A, AR Item 19 at 2. At this meeting, the USPS stated that the Annex would have only two customer service windows. Ex. B, Ryavec Aff. ¶ 8.

The USPS has projected a build-out cost of \$375,000 to equip the Annex with a retail space. Ex. A, AR Item 2 at 4. However, the USPS has not publicly released any plans for this construction, and an architect with decades of experience in the community believes the USPS has seriously underestimated the costs considering the expenditures that will be required for permitting and compliance with various building codes, including seismic, disability and green codes, and parking requirements. Ex. G, Affidavit of Michael King ("King Aff.") ¶ 3. This architect estimates that compliance with code requirements alone could conservatively cost between \$425,000 and \$675,000, and a complete structural upgrade to meet seismic codes could cost an additional \$340,000. *Id.* at ¶ 4.

Furthermore, obtaining approvals and implementing these required upgrades will take several months, at minimum. *Id.* Yet, in October of 2011, the USPS posted a notice that it was seeking a buyer for the VMPO, directing interested parties to speak with a commercial real estate firm. Ex. F.

² The Postal Service has redacted information regarding the number of Post Office boxes.

As an alternative to the Annex, the nearest existing retail post office to the VMPO is the high-traffic Ocean Park branch on Neilson Way in the City of Santa Monica, which has one counter and a total of six parking spaces with no available street parking. Ex. D, Long Aff. ¶ 7; Ex. B, Ryavec Aff. ¶ 7. Santa Monica is a city of 90,000, and, like Venice, sees additional heavy traffic due to tourism. Ex. B, Ryavec Aff. ¶ 7.

The USPS has not provided records to show that the services at the VMPO can feasibly be relocated to the Annex prior to closing and sale of the historic building. Ex. A, AR Items 1-25. In fact, the USPS provided no information whatsoever demonstrating its plan, or timeframe, to build out the Annex to serve as a retail facility. *Id.* Additionally, there is no record indicating that the USPS initiated a feasibility study. *Id.* Residents of the zip code served by the VMPO and Post Office box customers did not receive notification or questionnaires regarding the proposed closure by mail. Ex. B, Ryavec Aff. ¶ 7; Ex. C, Williamson Aff. ¶ 6; Ex. D, Long Aff. at 7; Ex. E, Kaplan Aff. ¶ 5. Finally, nothing in the record indicates that the USPS prepared a written proposal including analyses of community postal needs, the effect on the community, the effect on employees, economic savings and other factors. Ex A., AR Items 1-25.

Petitioners filed a request for review of the decision to relocate retail services on August 31, 2011. Ex. A, AR Item 23 at 1. The USPS summarily concluded that the relocation would not have an impact on historic resources or the surrounding neighborhood, and refused to set aside the prior decision to “relocate” the VMPO. *Id.* The final determination letter did not address the feasibility of the relocation or the argument that the relocation will effectively result in a closure. *Id.*

ARGUMENT

A. The Postal Regulatory Commission Has Jurisdiction to Hear This Appeal Because the Proposed Change in Service Constitutes a Closure

The VMPO has already been placed on the market, yet there is no evidence that the USPS has any definite plan to convert the Annex into a suitable retail facility at this point in time. Indeed, completing the required renovations will necessitate substantial time and costs, and it is not clear that doing so is even feasible or cost effective. Accordingly, a very real possibility exists that the VMPO is sold well before the Annex renovations are complete, leaving the Venice community with no post office for an indefinite period of time. Or, worse yet, the USPS could abandon its decision to renovate the Annex, leaving the Venice community with no post office and no remedy. Furthermore, based on the limited information available, it appears the proposed Annex expansion will so dramatically reduce the services available to the Venice community as to constitute a closure. As such, the USPS's action with regard to the VMPO must be viewed as a closure, and there is no dispute that the USPS failed to comply with the closure requirements of 39 C.F.R. § 241.3.

I. Decommissioning the VMPO constitutes a closure because Venice will be left indefinitely without retail postal services or facilities

Under 39 U.S.C. § 404(d)(5), the Commission has authority to hear appeals about the "determination of the Postal Service to close or consolidate any post office." Because this action involves the USPS's determination to close the VMPO, the Commission has jurisdiction to hear this appeal.

The USPS denies that the decision to close the VMPO is a closure, classifying it instead as a mere "relocation" that can avoid Commission review and the requirements

of 39 C.F.R. § 241.3.³ The USPS argues this is a relocation because all of the retail services currently provided at the VMPO will be transferred to the Annex without a “reduction in the level of service provided to the Venice community,”⁴ thereby providing an adequate replacement facility in the community. But this argument is not supported by the administrative record provided by the USPS and does not reflect the reality of what is likely to happen.

If the VMPO closes, there is no suitable replacement to “relocate” the retail services to. The USPS’s proposal to transform the Annex into a retail facility appears to assume that the “relocated” retail operations can simply be transferred to the Annex without substantial change to the site, but this plan does not match up with the current conditions of the Annex. In order to transfer the retail operations to the Annex so that it can act as a replacement for the VMPO, the USPS must make substantial renovations to the building, which will be very expensive and take a significant amount of time to complete. See Ex. G, King Aff. ¶¶ 3, 4. The USPS has not made public any estimate regarding how long it believes it would take to renovate the Annex or how it intends to do it, and the cost estimate it has provided of \$375,000 appears to be woefully inadequate. As demonstrated by the attached affidavit of Michael King, an architect with 25 years of experience in Los Angeles and Venice, the renovations needed to convert the Annex into a suitable retail facility are substantial, especially since “it is the policy of the Postal Service to comply with local planning and zoning requirements and building codes.” 39 C.F.R. § 241.4(f).

The following examples highlight how significant the needed renovations will be:

³ Motion of United States Postal Service to Dismiss Proceedings (October 27, 2011) at 7.

⁴ Response of United States Postal Service to Petitioner’s Application For Suspension of Determination for the Venice Main Post Office, Venice, California 90291 (October 27, 2011) at 1.

- To comply with guidelines under the 2010 California Building Code for parking lots, the USPS would have to do parking lot screening and install drought landscape, irrigation, and lighting. This generally takes three months and would likely cost \$180,000 to \$300,000 for the Annex. Ex. G, King Aff. ¶ 4a.
- To comply with the Structural Code of the 2010 California Building Code, the USPS will need to update the 1972 steel framed building to 2010 seismic codes for at least the renovated retail area. *Id.*, ¶ 4b. It will require a seismic analysis in order to comply with this rule, as well as subsequent foundation underpinning and soils and methane testing. *Id.* The USPS would have to strengthen the lateral frame and improve moment connection. *Id.* Such improvements generally take six months. *Id.* Another three months and additional costs should be anticipated as the Annex is in a known Methane Hazard Area. *Id.* If a complete structural upgrade is required, these improvements alone could cost as much as \$340,000 to \$390,000. *Id.*
- The Annex will also have to be upgraded to the State Green Code standards and City of Los Angeles amendments. *Id.*, ¶ 4d. The mandatory measures include everything from designated parking for fuel-efficient vehicles to insulation and HVAC upgrades. *Id.* These upgrades generally take three months just for approval and would likely cost between \$51,000 and \$85,000 for the Annex. *Id.*

Further examples of regulations are found in architect Michael King's affidavit, and these are only a few examples, not a comprehensive list. Because the USPS has not produced any implementation plan, it is unknown how it intends to comply with the local building and planning codes or how long it would take; however, the renovations would clearly be a very time-consuming and expensive project.

The USPS does not appear to be waiting until the Annex renovations are complete (or even planned) before it intends to sell and close the VMPO. The VMPO has already been placed on the market and potential buyers notified, with a public notice indicating its sale. See Ex. F. Indeed, the USPS demonstrated its hurry to sell the VMPO by arguing that a suspension of the closure pending this appeal would

“frustrate the Postal Service’s efforts to immediately reduce costs.”⁵ Thus, despite failing to produce any plans indicating how long it will take to prepare a suitable replacement facility, the USPS intends to sell and close the VMPO as soon as possible, thereby subjecting the Venice Community to an indefinite closure of retail postal facilities.

Furthermore, if this really were a relocation as the USPS claims, the USPS would have to comply with the requirements of 39 C.F.R. § 241.4, which it was not done. Section 241.4(f) states in pertinent part that “it is the policy of the Postal Service to comply with local planning and zoning requirements and building codes consistent with prudent business practices and unique postal requirements” in carrying out relocations. 39 C.F.R. § 241.4(f). It further states that “plans and drawings will be sent to the appropriate building department or other officials for review.” *Id.* Failure to comply with Section 241.4 transforms what might otherwise be a “relocation” into a “closure” because it risks subjecting the Venice community to the closure of its post office without a ready plan for its replacement. Thus, at the very least, the Commission should remand this case and require that the USPS go through the city planning and building and safety reviews as required by 39 C.F.R. § 241.4 to determine whether the Annex site can legally be used as the USPS imagines. Only after securing approval from the City of Los Angeles for expansion of the uses at the Annex should the USPS consider the sale of the VMPO.

By attempting to close the VMPO without any definite or reasonable plans for a suitable replacement, the closing must be viewed as a closure and not a relocation.

⁵ Response of United States Postal Service to Petitioner’s Application For Suspension of Determination for the Venice Main Post Office, Venice, California 90291 (October 27, 2011) at 2.

This is especially true when coupled with the possibility that once the true cost of renovating the Annex is realized and the expected cost savings disappear, the USPS may abandon its proposal to renovate the Annex. The closure of the VMPO will then be a fait accompli, too late for the citizens of Venice to benefit from the protection of the “closure” requirements because the USPS claimed it was merely “relocating” the post office.

The closure requirements of 39 C.F.R. § 241.3 exist to protect communities from arbitrary decisions by the USPS and to make sure their postal service needs are provided for. Because this action is just a closure in disguise, the Commission has jurisdiction to hear this review and the USPS cannot shirk its duties simply by using the word “relocation” instead of “closure.”

II. Downgrading services in Venice constitutes a constructive closure

In addition to actually closing the VMPO for an indeterminate amount of time, the USPS’s proposed Annex expansion (to the extent the USPS even has any definite plan) will so dramatically reduce the services available to the Venice community as to constitute a closure. The Commission’s longstanding method of distinguishing between a closure and a relocation is to consider the proposed closure “in light of the [USPS’s] planned network of postal facilities in [the community].”⁶ In its motion to dismiss, the USPS cites a number of Commission orders dismissing appeals for lack of jurisdiction because the proposed action was a “relocation” rather than a “closure.”⁷ These orders

⁶ Docket No. A82-10, *In re Oceana Station, Virginia Beach, VA*, Order, June 25, 1982 (Order No. 436), at 4.

⁷ See Docket No. A2011-21, *In re Ukiah Main Post Office, CA*, Order Granting Motion to Dismiss, August 15, 2011 (Order No. 804); Docket No. A2010-2, *In re Sundance Post Office, Steamboat Springs, CO*, April 27, 2010 (Order No. 448); Docket No. A2007-1, *In re Classified Branch, Ecorse, MI*, Order Dismissing Appeal on Jurisdictional Grounds, October 9, 2007 (Order No. 37); *Oceana*, Order No. 436.

are inapposite, however, because they differ from the facts of this case in one critical respect: Each case was deemed a “relocation” because the USPS committed to provide equal or expanded services in the new postal facilities. See Order No. 804 at 4 (“After retail services are transferred to the Ukiah Carrier Annex, customers will continue to have the same level of access to retail services in the community.”); Order No. 448 at 6 (“It appears that at the present time the community is not losing any of its postal facilities and stands to gain a new post office in the future.”); Order No. 37 at 6 (“[T]he Postal Service opened a new, larger facility . . . [with] the same retail services as the Ecorse Branch”); Order No. 436 at 4-5 (explaining that the USPS was “enhancing its network by opening a new Virginia Beach main post office . . . making more room for post office boxes and additional retail counter space”).

In this case, rather than provide equal or improved services to the Venice community, the USPS will significantly reduce services now provided at the VMPO. The Postal Service provides retail postal services to the Venice community exclusively from the VMPO. The closest alternative postal facility is a single-counter retail center at 2720 Nielson Way, Santa Monica, CA 90405. Ex. D, Long Aff. ¶ 7; Ex. B, Ryavec Aff. ¶ 7. The Nielson Way location already operates with long wait times and extremely limited parking. *Id.* Venice is a densely populated community of 40,000 people that cannot reasonably be serviced by existing postal facilities in nearby, densely populated cities like Santa Monica and Marina del Ray.

The record in this case indicates that the USPS intends to close the 23,700-square-foot VMPO and combine retail and carrier services in a much smaller 15,890-square-foot facility at the Annex. Ex. A, AR Item 2 at 5. Although the USPS has not

produced any architectural, zoning, or regulatory compliance plans, it apparently plans to make the following changes in services now provided to the Venice community.

A. Service widows: The VMPO currently provides five service windows with two to three windows typically in service and the fourth and fifth in reserve for peak business periods. Ex. B, Ryavec Affidavit ¶ 3; Ex. D, Long Aff. ¶ 3; Ex. E, Kaplan Aff. ¶ 3. After closing the VMPO, the Postal Service plans to provide retail postal services from two service windows at the expanded Annex facility. Ex. B, Ryavec Affidavit ¶ 8. Even with 4-5 service windows currently available at the VMPO, however, customers frequently wait in excess of 20 minutes under normal business conditions. Ex. B, Ryavec Affidavit ¶ 3; Ex. C, Williamson Aff. ¶ 4; Ex. D, Long Aff. ¶ 3; Ex. E, Kaplan Aff. ¶ 3.

During peak business periods, customers sometimes wait in excess of 30 minutes with all five windows in operation. Ex. B, Ryavec Aff. ¶ 3; Ex. D, Long Aff. ¶ 3; Ex. E, Kaplan Aff. ¶ 3. By reducing the number of available service windows by 60%, the quality of service provided by the Postal Service in Venice will decline dramatically. Customers who currently wait 20-25 minutes for service with three to five windows in service could wait in excess of 50-65 minutes at the expanded Annex. This translates to a 250% increase in wait times proportional to the reduction in available service windows.

B. Post office boxes: The VMPO provides 2,165 post office boxes to the Venice community, of which roughly 1,415 are currently in use. Ex. A, AR Item 2 at 5. The USPS has provided no assurance that it will replicate at least the number of boxes currently in use at the VMPO as it redacted the number of planned post office boxes for

the expanded Annex from the administrative record. Ex. A, AR Item 2 at 5. In fact, it is not clear whether space is available for that number of post office boxes at the Annex, which is already crowded with sorting facilities and administrative offices for 62 carrier routes. Thus, with no information provided by the USPS, Petitioners must assume this change would create an immediate and substantial shortfall of post office boxes.

C. Public parking: The VMPO currently provides 17 public parking spaces, including one handicapped space. Ex. B, Ryavec Aff. ¶ 4; Ex. C, Williamson Aff. ¶ 5; Ex. D, Long Aff. ¶ 4. Once the VMPO facility is sold, the only parking available for Postal Service customers will be on the Annex parking lot. The Annex lot is currently at or near full capacity, however, with employee and USPS truck parking alone. Ex. A, AR Item 11 at 1; Ex. H.⁸ The Annex houses the mail processing systems and delivery trucks for 62 delivery routes covering area codes 90291, 90292, and 90293. Ex. A, AR Item 2 at 5. Some of the parking now available will likely be lost to the planned expansion of the Annex facility. Although the Postal Service has not identified how many public parking spaces will be available after the expansion, it appears that the availability of public parking must inevitably decline. Customers must then compete with residents and the 16 million annual visitors for extremely scarce public parking on streets.

When considering the proposed closure of the VMPO “in light of the [Postal Service’s] planned network of postal facilities in [the community],” (Order No. 436 at 4), it becomes clear that the USPS’s move to the expanded Annex will result in a substantial loss of services now available to the Venice community. This decline is

⁸ This photograph was taken on the weekend when no employees were parked at the Annex, and shows the Annex lot nearly filled to capacity with white USPS delivery trucks.

much more akin to a “closure,” with its attendant procedural requirements designed to guarantee proper notice to and solicitation of comments from the community, than a “relocation,” which typically imposes no service downgrades. This distinction is supported by the Commission orders, discussed above, which distinguish a relocation from a closure based on the level of services still available to the community after a proposed facility closure. Given the substantial service downgrades in Venice, the Postal Service should have complied with the regulatory requirements for a “closure” rather than a “relocation.”

B. The USPS Did Not Comply With Procedures Required For Post Office Closures

The USPS failed to comply with the requirements for a closure of a post office outlined in 39 C.F.R. § 241.3. The USPS admits this and alleges that it has complied only with the requirements for a relocation, because it considers the proposed closure of the VMPO a relocation rather than a closure. Thus, if the Commission determines that the proposed action is, in fact, a closure, there is no dispute that the Postal Service did not comply with the mandatory statutory and regulatory procedures for a closure, including, among other things:

- Providing “adequate notice of its intention to close or consolidate such post office at least 60 days prior to the proposed date of such closing or consolidation to persons served by such post office to ensure that such persons will have an opportunity to present their views,” 39 U.S.C. § 404(b)(1);
- Providing notification and questionnaires, by mail, to customers of the postal facility under consideration for closure (1) who use post office boxes at that facility, (2) who are located in the same ZIP code as that facility, and (3) whom the facility serves for allied delivery services such as mail pick-up; 39 C.F.R. § 241.3(a)(5)(iii);

- Considering “the effect of such closing or consolidation on the community served by such post office,” 39 U.S.C. § 404(b)(2)(i);
- Considering “the economic savings to the Postal Service resulting from such closing or consolidation,” *id.* § 404(b)(2)(iv);
- Preparing a document entitled, “Proposal to Close the Venice Main Post Office,” which must “describe, analyze, and justify in sufficient detail to Postal Service management and affected customers the proposed closure,” and (1) “contrast the services available before and after the proposed change,” (2) “describe how the changes respond to the postal needs of the affected customers,” (3) “highlight particular aspects of customer service that might be less advantageous as well as more advantageous,” (4) discuss the “effect on the community,” and (5) analyze “the economic savings to the Postal Service from the proposed action,” 39 C.F.R. § 241.3(c)(4);
- After public comments are received, providing, in writing, the final determination to close a post office that includes “the findings of the Postal Service with respect to the considerations required to be made [above],” 39 U.S.C. § 404(b)(3), *id.* § 241.3(a)(2)(ii);
- Posting, in the affected facility, a notice of final determination to close the facility, *id.* § 241.3(4)(vii)(C); and
- Refraining from further action to close a post office until 60 days after the written determination has been made available to persons served by such post office, 39 U.S.C. § 404(b)(4).

The USPS has complied with none of these requirements. This failure to notify Venice community members of the true nature of this action—a *closure* of the VMPO with an indeterminate suspension of retail services and/or a substantial downgrade in the level of services available to the community—nullifies any notices, public meetings, or proposals already undertaken that characterize this move as simply a relocation. Moreover, the Venice Stakeholders submit, and the USPS has not alleged otherwise, that the USPS did not undertake efforts to mail notices and questionnaires to affected customers, see 39 C.F.R. § 241.3(a)(5)(iii), or publish a “Proposal to Close the Venice Main Post Office” describing the changes in service and effects on the community, see

39 C.F.R. § 241.3(c)(4); Ex. B, Ryavec Aff. ¶ 6; Ex. C, Williamson Aff. ¶ 6; Ex. D, Long Aff. ¶ 6; Ex. E, Kaplan Aff. ¶ 5.

Therefore, if the Commission concludes that the proposed closure of the VMPO is a closure for purposes of 39 U.S.C. § 404 and 39 C.F.R. § 241.3, this matter should be remanded to the Postal Service for reconsideration.

PRAYER FOR RELIEF

Based on the foregoing, it is clear that the USPS's decision to close the VMPO will leave the 40,000 residents of the Venice community with no post office retail services for an indefinite period of time, or even permanently. Wherefore, Petitioners request that the Commission set aside the closure decision and remand the matter to the USPS for further consideration, at minimum requiring that the USPS go through the city planning and building and safety reviews as required by 39 C.F.R. § 241.4 before selling the VMPO; and provide such other and further relief as the Commission deems just and proper.

DATED: December 9, 2011

/s/ Julie Kimball
JULIE KIMBALL
Attorney for Petitioners
VENICE STAKEHOLDERS ASSOCIATION
and MARK RYAVEC

EXHIBIT A

APPELLATE AND COMMERCIAL LITIGATION
OFFICE OF THE GENERAL COUNSEL



Item No.	Description	Date Entered into Record
1.	Facility Optimization	
2.	Facility Optimization (signed)	
3.	Memorandum Re Capital Investment Committee (CIC) Project Approval	
4.	Facilities Optimization Plan Briefing Sheet	
5.	Correspondence to Mayor Villaraigosa	
6.	Correspondence to State Historian Re Disposal of Excess Property	
7.	Venice Post Office Public Meeting Power Point	
8.	Venice Neighborhood Counsel Board Meeting and Agenda	
9.	Correspondence from Venice Stakeholders Association	
10.	Correspondence from Venice Neighborhood Counsel	
11.	Correspondence from John A. Henning, Esq. Re Relocation of Retail Services to Venice Carrier Annex, 313 Grand Blvd., Los Angeles, California	
12.	Interoffice Memo	
13.	Correspondence Re Venice Neighborhood Council Meeting Notes	
14.	Correspondence to Tom Samra Re Request approval to relocate retail service from the Venice Main Post Office to the Venice Carrier Annex	
15.	Press Release	
16.	Correspondence to Mayor Villaraigosa	
17.	Email Correspondence between Gary W. Bigelow, Ron Helmedag, Diana Alvarado, and Tiny Moyer	
18.	E-mail Correspondence, Various Authors, Appealing Relocation	
19.	Correspondence from John A. Henning, Esq. Re Relocation of Retail Services to Venice Carrier Annex, 313 Grand Blvd., Los Angeles, California	
20.	E-mail Correspondence between Carrie M. Branson, Diana Alvarado with a "cc" to Ujwala Tamaskar	
21.	E-mail Correspondence between Gary W. Bigelow and Carrie M. Branson with a "cc" to Ruth Gottlieb	
22.	CZMA	
23.	Final Decision	
24.	Correspondence from John A. Henning, Esq. Re Final Decision Regarding Relocation of Retail Services in Venice, California Closure of Historic Venice, California Main Post Office	
25.	Petition for Review of Decision to Close Venice Main Post Office and Application for Suspension of Closure Decision Pending Outcome of the Appeal	

Facility Optimization

FSO: Pacific FSO

Area: Pacific Area

District: Los Angeles

Node: Venice CA – Venice Main Post Office

Node #: PA-11-004

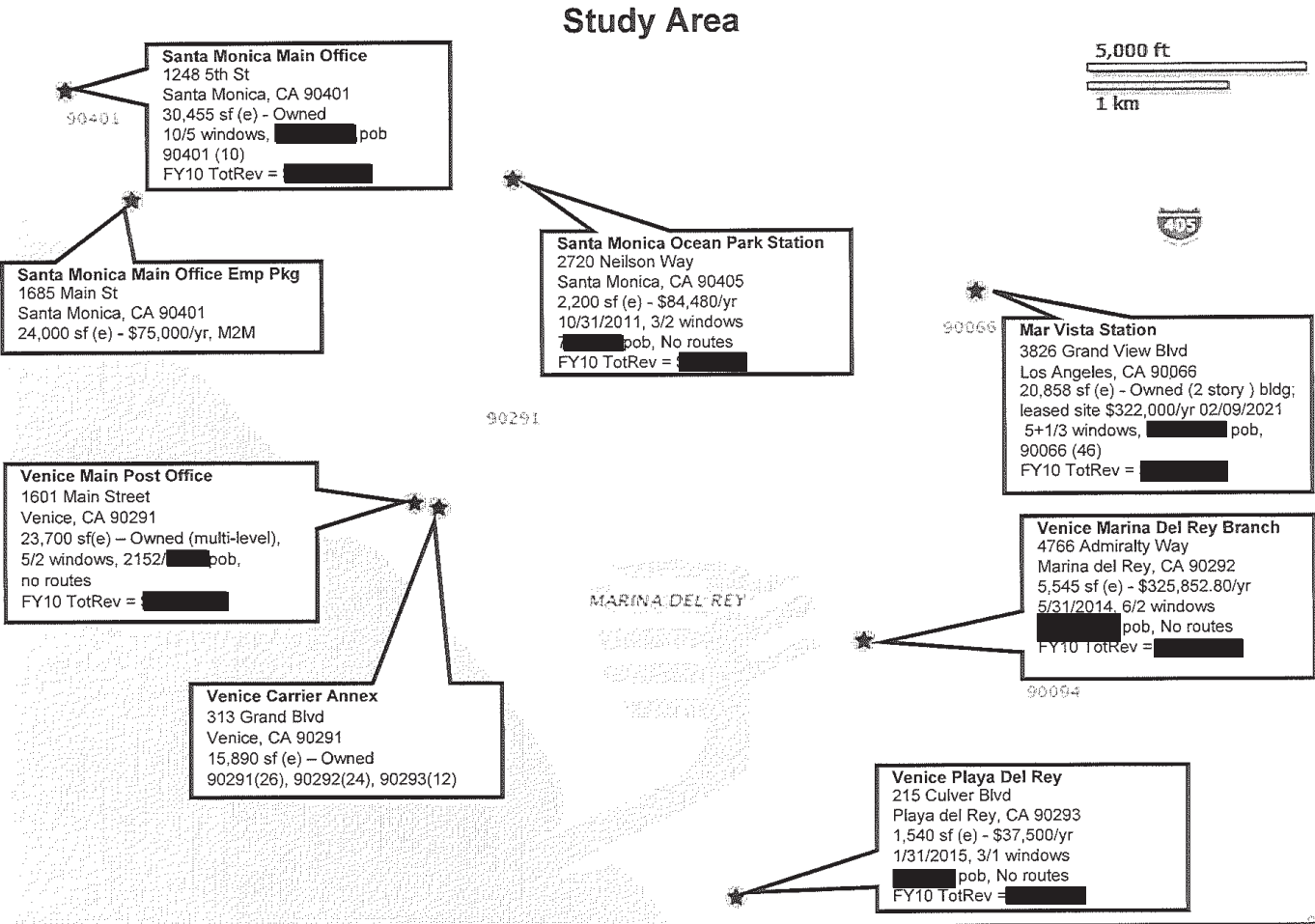
Date: October 28, 2010





Venice CA – Venice MPO

Node # PA-11-004





Node Selection Criteria:

Revenue Generation Opportunity, Surplus Space

- ☐ 7 buildings evaluated.

Recommendation:

- ☐ Option A: 2 buildings impacted

- [REDACTED]
- [REDACTED]



Venice CA – Venice MPO

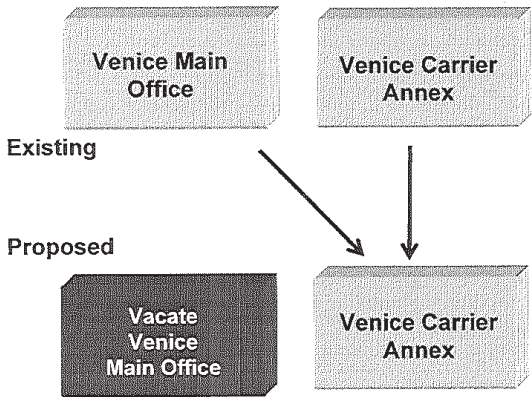
Node # PA-11-004

Action & Costs

Venice Main Post Office
Finance/Sub: 058106-G01
Facility SF: 23,700
Site SF: 28,200
Windows actual/earned: 5/2
PO Boxes Installed/rented: 2152/1415
FY10 TotRev = \$1,257,340

Venice Carrier Annex
Fin/Sub: 058106-G03
Facility SF: 15,890
Site SF: 78,000
Carriers: 90291 (26); 90292 (24); 90293 (12)

Action Identification: PA-11-004A
Action: Vacate Venice Main Post Office
Facilities Impacted: Venice Main Post Office and Venice Carrier Annex



	Cost / Savings	
	One Time	Annual
Utilities		\$44,751
EAS/Craft Labor		\$0
Building Maintenance/Labor		\$90,747
Contract Cleaner Cost/Savings		\$0
Carrier Route Transportation		\$0
Carrier Labor		\$0
Lease Costs/Savings (L 41)		\$0
Lease Buy Out (L 41)	\$0	
Lease Offset Amount (L 41)		\$0
Taxes (If not included in Lease Amount)		\$0
Inter-Station Transportation		\$0
Salary Offset		\$0
Brokers Opinion of Value	\$4,800,000	
Build Out Costs (L 63)	(\$375,000)	
Capital Equipment Costs (L 68)	\$0	
New Construction Costs (L 61)	\$0	
Total	\$4,425,000	\$135,498
Book Value of Sold Asset(s)		

10 - YEAR NPV:



Venice CA – Venice MPO

Node # PA-11-004

Facility Impacts

Facility ID		Current				Existing Inventory				New Inventory			Projected Operations (10-year)			
Finance / Sub Loc #	Facility Names	Current SF	# Routes	PO Boxes Installed / Rented	# Counters Installed / Earned		Terminate Lease	Absorb Retail	Absorb Delivery	New Retail	New CAX	New Retail & Delivery	Facility Size Req'd	# Routes	PO Boxes Installed/ Rented	# Counters
058106-G01	Venice MPO	23,700	0	2152 / 1415	5 / 2											
058106-G03	Venice Carrier Annex	15,890	90291=26 90292=24 90293=12	N/A	N/A			X					15,230	92091-93 = 65		3

- OPTION A
- Relocate Venice Main Post Office retail operations to Venice Carrier Annex.
 -



Venice CA – Venice MPO

Node # PA-11-004

Alternatives Eliminated





Venice CA – Venice MPO

Node # PA-11-004

Implementation Schedule

Venice, CA - Venice Main Post Office	Funding Approval (e)	Community Contact Start	Community Contact Complete	Renovate Existing Postal Space *	Move Operations to Alternate Space *



Venice CA – Venice MPO

Node # PA-11-004

Concept Approvals

Yes ☒ No ☐

OPTION A

- Relocate Venice Main Post Office retail operations to Venice Carrier Annex.



Signature indicates concept concurrence.

DM Signature: [Signature]

Date: 11/2/10



This Optimization Study Meets the Criteria for Approval

Please proceed with Area VP Presentation:

OPC Approval: [Signature]

Date: 11/2/10

AVP Signature: [Signature]

Date: 12-23-10

JOHN A. HENNING, JR.
ATTORNEY AT LAW
125 N. SWEETZER AVENUE
LOS ANGELES, CALIFORNIA 90048

TELEPHONE: (323) 655-6171
E-MAIL: jhenning@planninglawgroup.com

May 26, 2011

VIA U.S. MAIL

Consumer Affairs
U.S. Postal Service
7001 S. Central Avenue
Los Angeles CA 90052-9631

Re: Relocation of Retail Post Office Services to Venice Carrier Annex, 313 Grand Blvd., Los Angeles, California

Gentlepersons:

I represent the Venice Stakeholders Association (VSA), which consists of neighbors dedicated to civic improvement in the Venice neighborhood of Los Angeles. The VSA is deeply concerned about the Post Office's proposal to close the historic Venice Post Office at 1601 Main Street and move its entire retail operation (including customer service, hundreds of individual postal boxes and related customer and employee parking) from this location to the Venice Carrier Annex, which is located at 313 Grand Boulevard in Venice and presently has no retail services.

The relocation of this major retail operation would represent a dramatic intensification of the use of the Venice Carrier Annex property, and would result in significantly more traffic, noise and other impacts on the surrounding residential neighborhood and the nearby coastal areas. Moreover, because the existing carrier operations would be consolidated with new retail operations without any additional parking being provided, the combined operations would impose spillover parking impacts on the neighbors in one of the most parking-starved parts of the City of Los Angeles.

Therefore, we request that the Post Office either withdraw its proposal or, at a minimum, comply with state law by applying for a "coastal development permit" from both the City of Los Angeles and the California Coastal Commission, a state body specifically authorized by law to protect the shoreline and adjacent areas from overdevelopment.

Consumer Affairs
May 26, 2011
Page 2

At the outset, we emphasize that the Venice Carrier Annex is not in just any neighborhood. Rather, it is located just two blocks from Venice Beach and the adjoining boardwalk, in a highly urbanized area where 16 million people come to recreate each year. Thus, it is subject both to the zoning ordinance of the City of Los Angeles and to the Coastal Act, a state law that protects the shoreline and adjoining areas (together known as the "Coastal Zone") from overdevelopment.



The addition of a large retail operation to the present non-retail operations at the Venice Carrier Annex property would on its face constitute a "change in the ... intensity of use of land" within the Coastal Zone, and as such the action would qualify as a "development" under the Coastal Act. (See California Public Resources Code section 30106.) With certain exceptions not applicable here, any "person" (including a federal agency, to the extent permitted by federal law), "wishing to perform or undertake any development in the coastal zone" must obtain a "coastal development permit" directly from the City of Los Angeles, and then from the California Coastal Commission. (See Public Resources Code section 30600.)

California courts have specifically held that the increased intensity of use of an existing structure is properly deemed to be "development" under the Coastal Act, thereby requiring a coastal development permit. (See Stanson v. San Diego Coast Regional Commission, 101 Cal.App.3d 38, 47 (1980) (remodeling of commercial building to change present second floor storage area into restaurant was properly deemed to be "development" under the Coastal Act because it increased intensity of use, including increased automobile and pedestrian traffic).)

Consumer Affairs
May 26, 2011
Page 3

Here, it is beyond question that the consolidated operations now proposed would significantly increase automobile and pedestrian traffic at the Venice Carrier Annex, resulting in congestion on the neighboring streets, which were laid out in the early part of the 1900s and thus are (with Grand Avenue itself being the rare exception) unusually narrow and otherwise substandard.

Moreover, the new retail traffic would require substantially more parking than is now provided at the Annex site. Indeed, the aerial photo above illustrates exactly why. This photo, obviously taken at a time when the Post Office was closed (and thus when no employee or customer vehicles were present), nonetheless depicts the vast majority of parking spaces on the site as being occupied by white vehicles (i.e., postal delivery trucks). With retail operations consolidated onto this site, employees' vehicles for both the existing operations and the retail operations, plus retail customers' vehicles, would be forced to compete for the scarce additional spaces on the site.

The rest of the retail traffic would, of course, compete with neighbors and 16 million annual coastal visitors for the scarce parking available on public streets.

It is hard to understate how scarce this parking is. Unlike most other areas of the City, Venice was developed at a time when car ownership was not universal, and many of the original structures were originally designed for vacation purposes only. Thus most of the older residential and commercial buildings do not have on-site parking, or if they do, have less than the amount required by modern codes. Meanwhile, despite this fact, Venice has in recent years become a very popular destination for denizens of Los Angeles and foreign tourists alike.

These conditions, when combined with proximity to the Venice boardwalk and the beaches beyond, mean that the neighborhood where the Venice Carrier Annex is located is perhaps the most difficult place in the entire Coastal Zone to find a parking space, especially on weekends. Thus, it is essential that there be no intensification of any use in this area unless the actual parking spaces needed for the use have been identified in advance.

For this reason, and in acknowledgment of the fact that Venice is "the City's beach," the California Coastal Commission has in recent years been extraordinarily protective of the Venice neighborhood and surrounding coastal areas, limiting intensification of use and requiring the provision of adequate parking for new development, by way of the coastal development permit process. We insist that the Post Office either abandon this proposal, or at a minimum, subject it to this public process.

We are mindful of the possibility that the proposed consolidation may raise issues of federal pre-emption of local zoning and planning laws. However, the Intergovernmental Cooperation Act specifically requires federal agencies, including the Post Office, to consider and comply with such laws nonetheless. It provides:

Consumer Affairs
May 26, 2011
Page 4

“To the extent possible, all national, regional, State, and local viewpoints shall be considered in planning development programs and projects of the United States Government or assisted by the Government. State and local government objectives and the objectives of regional organizations shall be considered within a framework of national public objectives expressed in laws of the United States.”

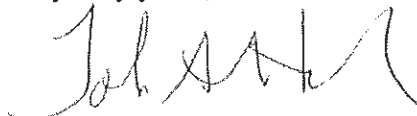
(31 U.S.C. § 6506; see Smith v. County of Santa Barbara, 203 Cal.App.3d 1415, 1424 (1988) (Intergovernmental Cooperation Act deals with the “effect of federal programs and projects on local communities and, in fact, encourages cooperation with local zoning and land use practices”); see also 40 U.S.C. § 901 (“To the greatest extent practicable, urban land transactions entered into for the General Services Administration and other federal agencies shall be consistent with zoning and land use practices and with the planning and development objectives of local governments and planning agencies.”))

In light of these enactments, the Post Office is legally bound – not to mention duty bound – to seek a coastal development permit from the California Coastal Commission before proceeding with the relocation of retail services to the Annex property.

Moreover, we urge you to reconsider the proposal entirely, given that the intensification of use proposed by the Post Office is simply not consistent with the constraints of the surrounding neighborhood.

Thank you for the opportunity to comment on this project.

Very truly yours,



John A. Henning, Jr.

cc (via email): Mark Ryavec (Venice Stakeholders Assn.)
Tina M. Moyer (Real Estate Specialist / USPS)
Richard Maher (Corporate Communications / USPS)
Antonio Villaraigosa (Mayor / City of Los Angeles)
Carmen Trutanich, Esq. (City Attorney / City of Los Angeles)
Bill Rosendahl (Councilmember / City of Los Angeles)



POSTAL NEWS

FOR IMMEDIATE RELEASE
July 18, 2011

Media Contact: Richard Maher
(O) 714-662-6350
(C) 714-307-0202
richard.j.maher@usps.gov
usps.com/news

Postal Service Approves Relocation of Venice Post Office

Retail, PO Box service will move 400 feet to Venice Carrier Annex

VENICE, CA — The U.S. Postal Service (USPS) has approved the relocation of the Venice Post Office, 1601 Main St., to the Venice Carrier Annex, 313 Grand Blvd. The two facilities are about 400 feet apart. There will be no change in Post Office Box holders' addresses or ZIP Code, nor will this relocation impact mail delivery to residents and businesses in any way. A date for the move has not been determined.

The Postal Service notified the City of Los Angeles and the Venice Neighborhood Council (VNC) of its proposed plan on March 3, 2011. USPS representatives met with the VNC and members of the community on April 26 and May 2 to share information and gather public input, and a written public comment period was open until June 1. The Venice relocation proposal and public input received was forwarded on July 7 to USPS Headquarters in Washington, D.C., where the final decision was made.

The relocation project will generate much-needed income for the USPS as well as reduce operational costs. Both Venice facilities are owned by the Postal Service, and once the move is completed, plans call for the sale of the building at 1601 Main St. That facility is a registered historic building and USPS will ensure the historic characteristics are maintained through covenants conveyed to a future buyer as an attachment to the deed. The move is also projected to save over \$1.3 million in operating expenses over the next ten years by consolidating operations into a single facility.

The Postal Service's decision may be appealed within 15 days to:

Vice President, Facilities
Attn: Diana Alvarado
Facilities Planning and Requirements
395 Oyster Point Blvd. Ste 225
South San Francisco CA 94080-0300

The Venice relocation plan is part of a nationwide response by USPS to reduce costs and operate more efficiently in the face of dramatic decreases in mail volume and declines in revenue. The Postal Service does not receive tax dollars to fund its operations and facilities, but uses revenue from the sale of postage and postal products and services to cover expenses.

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Please Note: For broadcast quality video and audio, photo stills and other media resources, visit the USPS Newsroom at www.usps.com/news.

A self-supporting government enterprise, the U.S. Postal Service is the only delivery service that reaches every address in the nation, 150 million residences, businesses and Post Office Boxes. The Postal Service receives no tax dollars for operating expenses, and relies on the sale of postage, products and services to fund its operations. With 32,000 retail locations and the most frequently visited website in the federal government, *usps.com*, the Postal Service has annual revenue of more than \$67 billion and delivers nearly 40 percent of the world's mail. If it were a private sector company, the U.S. Postal Service would rank 29th in the 2010 Fortune 500. *Black Enterprise* and *Hispanic Business* magazines ranked the Postal Service as a leader in workforce diversity. The Postal Service has been named the Most Trusted Government Agency six consecutive years and the sixth Most Trusted Business in the nation by the Ponemon Institute.

JOHN A. HENNING, JR.
ATTORNEY AT LAW
125 N. SWEETZER AVENUE
LOS ANGELES, CALIFORNIA 90048

TELEPHONE: (323) 655-6171
E-MAIL: jhenning@planninglawgroup.com

August 31, 2011

VIA U.S. MAIL

Consumer Affairs
U.S. Postal Service
7001 S. Central Avenue
Los Angeles CA 90052-9631

Re: Relocation of Retail Post Office Services to Venice Carrier Annex, 313 Grand Blvd., Los Angeles, California

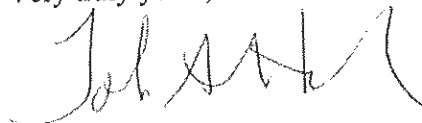
Gentlepersons:

More than three months ago, on May 26, 2011, I wrote the attached letter to you concerning the proposal by the Postal Service to close the historic Venice Post Office at 1601 Main Street and move its retail operation from this location to the Venice Carrier Annex at 313 Grand Boulevard in Venice. Since that time, the Postal Service has indicated it will proceed with the closure, and the Venice Neighborhood Council and Congresswoman Janice Hahn have filed an appeal of the decision.

Considering the important concerns stated in our letter and the pending appeal raising the same concerns, we believe we are entitled to a written response to the May 26th letter.

Would you please provide one at your earliest opportunity?

Very truly yours,



John A. Henning, Jr.

cc (via email): Mark Ryavec (Venice Stakeholders Assn.)
Tina M. Moyer (Real Estate Specialist / USPS)
Richard Maher (Corporate Communications / USPS)

DAVID E. WILLIAMS
VICE PRESIDENT, NETWORK OPERATIONS



September 23, 2011

John A. Henning, Jr., Esq.
125 N. Sweetzer Avenue
Los Angeles, CA 90048

Dear Mr. Henning,

Thank you for your August 31, 2011 request for review of the decision to relocate retail services currently located at 1601 Main Street, Venice, California. Please find enclosed the final decision of the Postal Service regarding the requests for review relating to that facility.

I was designated as the decision maker in this matter because the Vice President, Facilities, had already concurred in the original decision. The attachment explains our position in more detail and we believe we have addressed all of the concerns expressed by our customers. As I have explained, I will not set aside the original decision.

Sincerely,

A handwritten signature in black ink, appearing to be "David E. Williams", with a long horizontal flourish extending to the right.

David E. Williams

Enclosure

cc: Tom A. Samra

Final Decision Regarding Relocation of Retail Services in Venice, California

In accordance with the procedures set forth at 39 C.F.R. § 241.4(c)(6), this is the final decision of the Postal Service with respect to the relocation of retail services from the Venice, California Main Post Office at 1601 Main Street to the Venice Carrier Annex at 313 Grand Boulevard. The Postal Service announced its decision to relocate retail services on July 18, 2011 and subsequently received requests for review from several postal customers. I have carefully considered all the concerns expressed by our customers in each of the requests for review and other correspondence along with the complete project file relating to the relocation proposal. While I am sympathetic to some of the concerns raised, for the reasons set forth below, I will not set aside the Postal Service's prior decision.

Postal customers raised concerns about impacts the Postal Service's decision to relocate retail services might have on (1) historic resources and (2) the surrounding environment, specifically traffic and parking impacts within a coastal zone and in the residential neighborhood around the Venice Carrier Annex. Each of these issues is addressed below.

I. Historic Resources

The Venice Main Post Office was constructed in 1939 and is eligible for listing in the National Register of Historic Places. An oil-on-canvas mural entitled "Story of Venice" by artist Edward Biberman is currently on display in the lobby. Several customers expressed concern that the building and/or mural would not be preserved.

Section 106 of National Historic Preservation Act ("NHPA") requires federal agencies to take into account the effects of their proposed undertakings on historic properties, and when such effects are possible, to initiate and complete the Section 106 consultation process. Section 106 review ensures that federal agencies consider historic properties, along with other factors such as cost and agency mission, in the planning process of proposed undertakings. However, the preservation of every historic property is not the goal of Section 106, nor does Section 106 require a business to continue to operate in a historic property even if doing so causes the business to become unprofitable.

The relocation of retail services is not an "undertaking" within the meaning of Section 106. An undertaking is a "project, activity or program" that can result in changes in the character or use of historic properties. The relocation of retail services does not alter the character of the Venice Main Post Office building or the mural. Nor does it change the uses that can be made of the property. There will be no "undertaking" within the meaning of NHPA until the Postal Service adopts a plan for the reuse of the Venice Main Post Office or the transfer of the Post Office building from Postal Service ownership to private ownership. The

Postal Service will initiate the Section 106 consultation process when it develops plans for the reuse or disposal of the property, and the City of Venice will be a consulting party. The Postal Service will include measures to ensure the mural will remain available for public viewing in any plan for reuse or disposal of the Post Office property.

II. Traffic and Parking

The Venice Main Post Office will be relocated 400 feet to the Venice Carrier Annex. The relocation will not result in any negative environmental impacts, nor will it be inconsistent with the policies of the California Coastal Act. The Carrier Annex can accommodate retail counters and Post Office Boxes without expansion of the building. While trips will be 400 feet shorter or longer depending on the direction from which vehicles are traveling, there will be no rerouting of traffic as a result of the relocation. Although several customers expressed concerns about a parking shortage in the area, this situation should not be exacerbated by the relocation of the Venice Main Post Office since the Carrier Annex property includes an on-site parking lot for postal vehicles and will be restriped to accommodate additional parking spaces for our customers.

III. Balancing the Impact on the Community and the Best Interests of the Postal Service

While the Postal Service is not insensitive to the impact of this decision on its customers and the Venice community, the relocation of the Venice Main Post Office is in the best interest of the Postal Service. The Venice Carrier Annex can accommodate the retail counters and Post Office Boxes without expansion of the building. Relocation of the carriers from the Venice Carrier Annex to the Venice Main Post Office was considered, but rejected because the Venice Main Post Office has insufficient parking to accommodate additional operations and insufficient platform space to accommodate tractor/trailer mail delivery. I have also taken into account the comments regarding the physical appearance of the Annex. The Postal Service will realize an annual cost savings of \$135,498 by moving retail services into the Venice Carrier Annex. The annual cost savings takes into consideration the cost of relocation, which is offset by savings from utilities and maintenance labor.

In reaching this decision, I considered all of the public input received but the objections expressed do not outweigh the financial exigencies facing the Postal Service. With current projections for declining mail volume, and the financial condition of the Postal Service, the Postal Service must make any feasible change to reduce costs. As our customers are no doubt aware, the Postal Service is funded by the sales of its services and products. It has an obligation to match its retail and distribution networks to the demand for its services from customers.

Accordingly, I conclude that there is no basis to set aside the decision to relocate the Venice Main Post Office, 1601 Main Street, to the Venice Carrier Annex, 313 Grand Boulevard. This is the final decision of the Postal Service with respect to this matter, and there is no right to further administrative or judicial review of this decision.

A handwritten signature in black ink, appearing to be 'D. Williams', with a long horizontal stroke extending to the right.

David E. Williams
Vice President, Network Operations

EXHIBIT B

BEFORE THE
POSTAL REGULATORY COMMISSION
WASHINGTON, D.C. 20268-0001

<i>In the matter of:</i> Venice Main Post Office Venice, California 90291 (Mark Ryavec and Venice Stakeholders Association, Petitioners)	Docket No. A2012-17
---	---------------------

AFFIDAVIT OF MARK RYAVEC

Comes Mark Ryavec, the undersigned, and states and affirms under oath as follows:

1. I am a current resident of Venice, and have lived in the community for 22 years. Unless otherwise stated, the following facts are within my personal knowledge and, if called and sworn as a witness, I could and would testify competently thereto.
2. Venice is a community of approximately 40,000 people and is serviced by a single U.S. Postal Service retail facility, the Venice Main Post Office ("VMPO") located at 1601 Main Street, Venice, CA 90291.
3. As a Postal Service customer, I generally visit the VMPO five times per month to transact business. These visits include the purchase of stamps, mailing of large envelopes and packages addressed to both personal and business recipients, both international and domestic, mail registration and delivery receipt confirmation. Homeland security rules now require that any packages over one pound be presented in person to a USPS employee, even if no postage or other postal service(s) is required. The VMPO is typically busy when I visit, with wait times of 15-25 minutes or more on average. Postal Service employees usually serve customers at two of the five available

windows. During peak holiday season, wait times sometimes exceed 30 minutes, even with three or four available windows open.

4. The VMPO provides sixteen standard parking spaces in the side lot and two short-term street parking spaces in the front. The parking lot is usually at or near capacity when I visit the VMPO. Many times nearby public parking is also unavailable due to the constant parking demands of beach visitors. When parking is not available, I skip my visit and return at another time. Because Venice is a major tourist attraction in Southern California, parking can be especially bad at the VMPO during peak summer months and on other warm weekends and holidays throughout the year.

5. As a resident of Venice, the VMPO is important to me. The VMPO is a significant historic structure, the only remaining building from the federal Works Project Administration in Venice. Its "Story of Venice" mural, by noted artist Edward Biberman, is a composite portrait of founder Abbot Kinney's "Venice of America" development, which at the time was called "The Coney Island of the Pacific." The VMPO also serves as the social heart of the Venice community, gathering together its many residents as they visit to use postal services.

6. Although I live in the community served by the VMPO, I did not receive personal notice or a questionnaire from the Postal Service indicating that the VMPO may be closed or that the facility was undergoing an initial feasibility study. I also did not see a posting regarding an initial proposal for closing or notice of comment period in the VMPO on any of my visits. Additionally, the Postal Service did not provide customers with a study or analysis addressing the impact of the proposed closure on the Venice community and neighborhoods immediately surrounding the Annex.

7. The Venice community already suffers from unacceptably long waits for postal services and, on occasion, inadequate parking. If the VMPO were closed, or the services available at the VMPO were substantially reduced, residents' access to postal services would also be greatly reduced and customer service would be adversely

affected. The closest alternative Post Office for the Venice community is located at 2720 Neilson Way, Santa Monica, CA 90405. This outlet features a single service counter with average wait times of 10-20 minutes or more, and provides no free, on-site parking spaces. Santa Monica is much larger than Venice, with a population of roughly 90,000 people, and also attracts a large number of tourists. The Neilson Way post office could not accommodate the needs of the Venice community in the event the VMPO is closed or the services available in Venice are dramatically reduced)

8. In a meeting on September 1, 2011, with Congresswoman Janice Hahn, we were told by Diana Alvarado, Manager of Real Estate for the USPS' Pacific Facilities Service Office, that USPS planned to only provide two windows at a new facility to be located at the Venice Postal Annex. However, the wait times already evident at the VMPO when only two windows are in operation approach 20-30 minutes and thus are not acceptable. Providing only two windows would mean the USPS would not be able to respond to greater demand in the summer, from tourists, and the holiday season. Further, there already are instances when the parking provided at the VMPO is inadequate to the demand. This would be exacerbated at the Venice Postal Annex, which would be unable to absorb current site parking demand (carrier trucks and employees) and the new demand displaced from the VMPO, especially during the summer, on warm weekends, and on holidays.

9. The Postal Service also has the option of selling the Venice Postal Annex and operating all Venice-related delivery and retail services out of the VMPO instead of consolidating services at the Annex. Based on conversations with USPS officials and their presentations in public, I understand the Annex is worth substantially more than the VMPO, perhaps in excess of \$14 million. The Venice Stakeholders would prefer to see the USPS relocate delivery services for other communities now conducted from the Annex and preserve the VMPO by consolidating all Venice retail and delivery services in the VMPO facility.

I declare under penalty of perjury that the foregoing is true and correct, and that
this declaration was executed on this 8th day of December, 2011.


MARK RYAVEC

STATE OF CALIFORNIA)
COUNTY OF _____) SS.

Subscribed and sworn to before me this _____ day of November, 2011.

My commission expires:

Notary Public

*- Please See Attached
Notary Certificate
- CTM
- 12-8-2011*

CALIFORNIA JURAT WITH AFFIANT STATEMENT

GOVERNMENT CODE § 8202

- ☒ See Attached Document (Notary to cross out lines 1-6 below)
☐ See Statement Below (Lines 1-6 to be completed only by document signer[s], *not* Notary)

~~1~~
~~2~~
~~3~~
~~4~~
~~5~~
~~6~~

Signature of Document Signer No. 1 _____ Signature of Document Signer No. 2 (if any) _____

State of California

County of Los Angeles

Subscribed and sworn to (or affirmed) before me

on this 8 day of December, 2011,
Date Month Year
 by

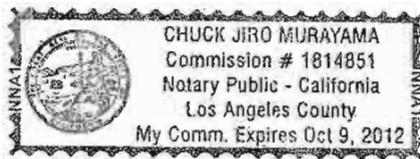
(1) Mark Ryavec
Name of Signer

proved to me on the basis of satisfactory evidence
 to be the person who appeared before me (.) (.)

(and

(2) _____
Name of Signer

proved to me on the basis of satisfactory evidence
 to be the person who appeared before me.)



Place Notary Seal Above

Signature [Signature]
Signature of Notary Public

OPTIONAL

*Though the information below is not required by law, it may prove valuable
 to persons relying on the document and could prevent fraudulent removal
 and reattachment of this form to another document.*

Further Description of Any Attached Document

Title or Type of Document: Affidavit of Mark Ryavec

Document Date: 12-8-2011 Number of Pages: 1

Signer(s) Other Than Named Above: _____

RIGHT THUMBPRINT
 OF SIGNER #1
 Top of thumb here

RIGHT THUMBPRINT
 OF SIGNER #2
 Top of thumb here

EXHIBIT C

BEFORE THE
POSTAL REGULATORY COMMISSION
WASHINGTON, D.C. 20268-0001

In the matter of:

Venice Main Post Office
Venice, California 90291
(Mark Ryavec and Venice
Stakeholders Association,
Petitioners)

Docket No. A2012-17

AFFIDAVIT OF NANCY WILLIAMSON

Comes Nancy Williamson, the undersigned, and states and affirms under oath as follows:

1. I am a current resident of Venice, and have lived in the community for 27 years. I have rented a Post Office Box at the Venice Main Post Office ("VMPO") at 1601 Main Street since 2000. Unless otherwise stated, the following facts are within my personal knowledge and, if called and sworn as a witness, I could and would testify competently thereto.

2. As a Post Office Box customer, I generally visit the VMPO 20 times per month to transact business.

3. I use the P.O. Box for my personal needs, which are very important to me. The loss of service by limiting the number of P.O. Boxes available to the Venice community would be exceedingly difficult for me as I would have no safe place to receive my paychecks. The mailbox at my house is not secure and there is no way to make it so.

4. The VMPO is typically busy when I visit, with wait times of about 20 minutes or more on average.

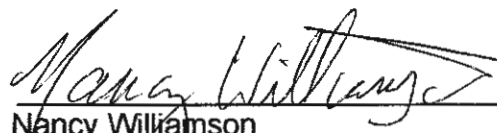


5. The VMPO provides sixteen standard parking spaces in the side lot and two short-term street parking spaces in the front. The parking lot is usually at or near capacity when I visit the VMPO. When parking is not available, I must try to find street parking which can be especially difficult during tourist season. Because Venice is a major tourist attraction in Southern California, parking can be especially bad at the VMPO during peak summer months.

6. I did not receive personal notice or a questionnaire from the Postal Service indicating that the VMPO may be closed or that the facility was undergoing an initial feasibility study. I also did not see a posting regarding an initial proposal for closing or notice of comment period in the VMPO on any of my frequent visits.

7. The cultural importance of this historic facility to Venice cannot be overstated. From the 1939 building itself and its location designed specifically for the Venice Circle, to the Edward Biberman mural inside, likewise designed especially for its space, the VMPO has provided a sense of identity and continuity to an ever changing Venice. It is, indeed, the heart of our community.

Further affiant sayeth not.


Nancy Williamson

STATE OF CALIFORNIA)
) SS.
COUNTY OF _____)

Subscribed and sworn to before me this ____ day of November, 2011.

Please see attachment

Notary Public

MATTHEW JAME:
Commission #
Notary Public - C
Los Angeles Co
My Comm. Expires Ma

My commission expires:

CALIFORNIA JURAT WITH AFFIANT STATEMENT

- ☒ See Attached Document (Notary to cross out lines 1-6 below)
☐ See Statement Below (Lines 1-5 to be completed only by document signer[s], *not* Notary)

~~_____
Signature of Document Signer No. 1~~

~~_____
Signature of Document Signer No. 2 (if any)~~

State of California
County of Los Angeles

Subscribed and sworn to (or affirmed) before me
on this 30th day of November, 2011,
by _____
Date Month Year

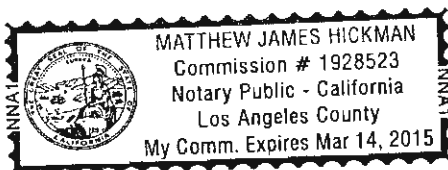
(1) Nancy Williamson
Name of Signer

proved to me on the basis of satisfactory evidence
to be the person who appeared before me (✓)(✓)
(and

(2) _____
Name of Signer

proved to me on the basis of satisfactory evidence
to be the person who appeared before me.)

Signature Matthew J. Hickman
Signature of Notary Public



Place Notary Seal and/or Stamp Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

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Title or Type of Document: _____

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Signer(s) Other Than Named Above: _____

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EXHIBIT D

BEFORE THE
POSTAL REGULATORY COMMISSION
WASHINGTON, D.C. 20268-0001

In the matter of:

Venice Main Post Office
Venice, California 90291
(Mark Ryavec and Venice
Stakeholders Association,
Petitioners)

Docket No. A2012-17

AFFIDAVIT OF PEGARTY LONG

Comes Pegarty Long, the undersigned, and states and affirms under oath as follows:

1. I am a current resident of Venice, and have lived in the community for 42 years. Unless otherwise stated, the following facts are within my personal knowledge and, if called and sworn as a witness, I could and would testify competently thereto.

2. As a Postal Service customer, I use the Venice Post Office to buy commemorative stamps which I can't get elsewhere, pick up Priority Mail envelopes, mail DVD's, Books and packages to Ireland and foreign lands.

3. The VMPO is typically busy when I visit, with wait times of 20-25 minutes or more on average. Postal Service employees usually serve customers at three of the five available windows. During peak season, wait times sometimes exceed 30 minutes with all five available windows open.

4. The VMPO provides sixteen standard parking spaces in the side lot and two short-term street parking spaces in the front. The parking lot is usually at or near capacity when I visit the VMPO. Often, I cannot find a space. When parking is not available, I must park on the street where there is usually very little parking or drive to

the 2720 Neilson Way Post Office in Santa Monica where parking is practically nonexistent. Because Venice is a major tourist attraction in Southern California, parking can be especially bad at the VMPO during peak summer months.

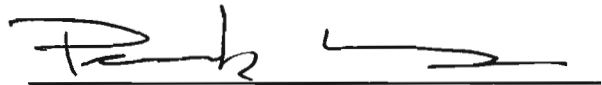
5. As a resident of Venice, the VMPO is important to me. The historic building and its mural are great examples of public works and defining features of the Venice community. This building, with its outstanding mural of our founder of Venice Abbot Kinney and Venice history painted by renowned Los Angeles artist, Edward Biberman, its art deco style with beautiful wood windows, is part of the identity of Venice. It has been a part of my own Venice identity, a place where I have used for the 42 years in which I have lived in Venice. It is a social gathering place of Venetians where Venice residents often bump into each other by chance. It is part of what makes Venice the special community that it is.

6. Although I live in the community served by the VMPO, I did not receive personal notice or a questionnaire from the Postal Service indicating that the VMPO may be closed or that the facility was undergoing an initial feasibility study. I also did not see a posting regarding an initial proposal for closing or notice of comment period in the VMPO on any of my visits.

7. If the VMPO were closed, or the services available at the VMPO were substantially reduced, I anticipate longer waiting times standing in an ugly generic building and not being able to even get in because of less parking. The closest alternative Post Office for the Venice community is located at 2720 Neilson Way, Santa Monica, CA 90405. This outlet features a single service counter with average wait times of 10 minutes or more, and only provides 5 public parking spaces plus one disability space. The wait time is often less at this Post Office because no more than a few people can get parking to get into the building. This Post Office is on Neilson Way, a major street which has no parking on the street. The lot is so small that there is no space to pull in and wait for someone else to leave. It creates a huge jam. Santa

Monica is much larger than Venice and also attracts a large number of tourists. The Neilson Way Post Office could not accommodate the needs of the Venice community in the event the VMPO is closed or the services available in Venice are dramatically reduced.

Further affiant sayeth not.


Pegarty Long

STATE OF CALIFORNIA)
) SS.
COUNTY OF Los Angeles)

Subscribed and sworn to before me this 1st day of November, 2011.
BY PEGARTY LONG WHO PROVED TO BE THE PERSON WHO
APPEARED BEFORE ME.


Notary Public

My commission expires:

11-02-2012



EXHIBIT E

BEFORE THE
POSTAL REGULATORY COMMISSION
WASHINGTON, D.C. 20268-0001

In the matter of:

Venice Main Post Office
Venice, California 90291
(Mark Ryavec and Venice
Stakeholders Association,
Petitioners)

Docket No. A2012-17

AFFIDAVIT OF JONATHAN KAPLAN

Comes Jonathan Kaplan, the undersigned, and states and affirms under oath as follows:

1. I am a current resident of Venice, and have lived in the community for 16 years. Unless otherwise stated, the following facts are within my personal knowledge and, if called and sworn as a witness, I could and would testify competently thereto.

2. As a Postal Service customer, I generally visit the Venice Main Post Office ("VMPO") 20-25 times per month to transact business, mostly for routine postal matters, ranging from buying stamps to sending and receiving certified mail, as well as picking up mail that has been put on hold when I travel.

3. The VMPO is typically busy when I visit, with wait times of 20-25 minutes or more on average. Postal Service employees usually serve customers at two to three of the five available windows, though during holidays and high traffic periods I have seen up to four and sometimes five windows open all at once.

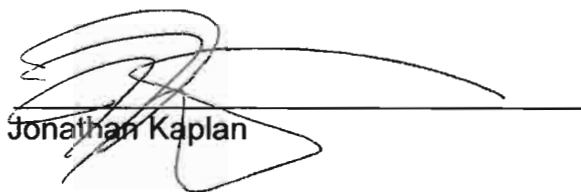
4. As a resident of Venice who is aware of the city's history, the VMPO is especially important as it is the single remaining structure in downtown Venice that has survived intact from Venice's golden age. Adding to that the importance of the one-of-a-



kind 1941 mural inside which illustrates Venice's history, it is Venice's most iconic structure and vacating it would be akin to Los Angeles vacating City Hall or New York City vacating the Chrysler Building.

5. Although I live in the community served by the VMPO, I did not receive any personal notice or questionnaire from the Postal Service indicating that the VMPO may be closed or that the facility was undergoing an initial feasibility study. I also did not see any posting regarding an initial proposal for closing or notice of comment period in the VMPO on any of my visits, though my visits to the VMPO are many.

Further affiant sayeth not.


Jonathan Kaplan

STATE OF CALIFORNIA)
) SS.
COUNTY OF _____)

Subscribed and sworn to before me this ____ day of November, 2011.

Please see attached for notarization
Notary Public

My commission expires:



CALIFORNIA JURAT WITH AFFIANT STATEMENT

- ☒ See Attached Document (Notary to cross out lines 1-6 below)
☐ See Statement Below (Lines 1-5 to be completed only by document signer[s], *not* Notary)

Signature of Document Signer No. 1

Signature of Document Signer No. 2 (if any)

State of California

County of Los Angeles

Subscribed and sworn to (or affirmed) before me

on this 23rd day of November, 2011
by Date Month Year

(1) Jonathan Kaplan
Name of Signer

proved to me on the basis of satisfactory evidence
to be the person who appeared before me (.) X

(and

(2) _____
Name of Signer

proved to me on the basis of satisfactory evidence
to be the person who appeared before me.)

Signature Matthew James Hickman
Signature of Notary Public



Place Notary Seal and/or Stamp Above

OPTIONAL

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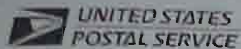
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EXHIBIT F

PACIFIC FACILITIES SERVICE OFFICE
REAL ESTATE DISPOSITION



PUBLIC NOTIFICATION

OCTOBER 5, 2011

The US Postal Service is seeking a buyer for the property located at 1601 Main St., Venice CA 90291-9998

For additional information, please contact:

Martin J. McDermott, CCIM
Vice President, Grubb & Ellis
Los Angeles, CA 90024
Direct Phone: 310-235-2939

THIS NOTICE WILL TERMINATE EFFECTIVE OCTOBER 21, 2011

EXHIBIT G

Before the
POSTAL REGULATORY COMMISSION
WASHINGTON, D.C. 20268-0001

In the matter of:

Venice Main Post Office
Venice, California 90291
(Mark Ryavec and Venice
Stakeholders Association,
Petitioners)

Docket No. A2012-17

AFFIDAVIT OF ARCHITECT: Michael King AIA

Comes Michael King AIA, the undersigned, and states and affirms under oath as follows:

1. I have been a California Licensed Architect since 1979 and have been a resident of Venice the community for 27 years. Unless otherwise stated, the following facts are within my personal knowledge and, if called and sworn as a witness, I could and would testify competently thereto.

2. I have been an architect providing design and project management services to many commercial developers in Los Angeles and specifically in the coastal zone of the City of Los Angeles for 25 years. I have been the architect of record for various Venice projects designed or built at: Venice Marketplace Retail 1100 & 1200 Ocean Front Walk; Sidewalk Cafe- 1401-1407 Ocean Front

Walk; Horizon Apartment Lofts - 26-28 Horizon Avenue; Danny's Restaurant 23
Windward Avenue; OADC Adult Day Care Center- 1500 Main Street.

3. In my professional opinion the installation of 3,500 square feet of commercial space for retail customer services at the USPS sorting and carrier route "Annex" at 313 Grand Boulevard in Venice, CA, will require that the owner meet the following building codes due to the added retail use:

- a. 2010 California Building Code with City of L. A. Amendments.
- b. Structural Code, California Building Code 2010
- c. Americans with Disabilities Act - with City L. A. and State of California amendments
- d. 2010 CAL Green Code with City of Los Angeles Amendments
- e. City of Los Angeles Planning Department - Venice Specific Plan.
- f. State of California - Local Coastal Plan.

4. These codes will require additional time and financial consideration.

a.,b.,c. above will be required under the 2010 City of LA Building Code Chapter 34 Section 3404A Alterations. This is the portion of the code that triggers bringing the new Retail Alterations portion of the building up to code 3404A.1. Listed below are some of what the code requires:

a. will require new pedestrian and vehicular access and exiting. It will also require parking lot improvements to meet the City of Los Angeles Guidelines for parking lots. In order to comply with this rule, the owner of the building would

have to do parking lot screening, install drought landscape and irrigation, and lighting. Based on my professional experience, it generally takes 3 months and anywhere from \$3 s.f. to \$5 s.f. to accomplish this. That would be \$180,000 to \$300,000 for this 60,000 s.f. property.

b. will require updating the 1972 steel framed building to 2010 seismic codes for at least the 3,500 s.f. of altered retail area. It will require a seismic analysis in order to comply with this rule, including subsequent foundation underpinning, soils and methane testing. The owner of the building would have to strengthen the lateral frame and improve the moment connection. Based on my professional experience, it generally takes 6 months and anywhere from \$15 s.f. to \$20 s.f. to accomplish just the structural improvements. That would be \$52,500 to \$70,000 for this 3,500 s.f. retail area. If the structural analysis requires the complete structural upgrade the cost could be \$340,000. As this is a known Methane Hazard Area an additional 3 months and \$50,000 should be anticipated.

c. will require the building be brought up to code for ADA Disabled access for the Public and Employee use. In order to comply with this rule, the owner of the building would have to provide ADA restrooms, provide Handicapped parking, and all related signage and accessibility improvements. Based on my professional experience, it generally takes 2 months for approval and 3 months to install and anywhere from \$10 s.f. to \$20 s.f. to accomplish this. That would be \$35,000 to \$70,000 for this 3,500 s.f. retail renovation. The USPS could file for an unreasonable Hardship in the City of Los Angeles but that process still

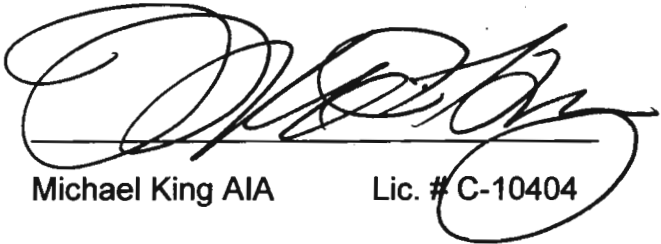
requires 10% of the construction costs be allocated to ADA improvement. For a \$350,000 budget a \$35,000 expenditure would be required. However the Hardship request may be rejected.

d. will require the upgrading of the building to State Green Code standards. It will require a Green analysis and proposed improvement approvals. This is a 115 page document that amends the State Cal Green Code. The first page 91.01.1010.3 notes that any building permit valuations over \$200,000 must meet the 2010 Green Building Standards. The Mandatory Measures include everything from designated parking for fuel efficient vehicles to insulation and HVAC upgrades. Based on my professional experience, it generally takes 3 months for approvals, anywhere from \$6,000 to \$15,000 to produce the report recommendations, and an additional \$3 s.f. to \$5 s.f. to make the improvements. That would be \$51,000 to \$85,000 for this 17,000 s.f. Building.

e.& f. will require a "USE" change, additional retail parking and additional Beach Impact Zone Parking. The Venice Specific Plan requires any new "USE" added to a site provide the required parking for that new use (see page 26) 1 per 225 s.f., not 1 per 250 s.f. as in the USPS Planning Concept document, plus, an additional 6 Beach Impact Zone Parking spaces per page 28 1. The Specific Plan goes on to require everything from street facade glass provisions to Landscaping improvements. In order to comply with this rule, the owner of the building would have to obtain additional City Planning and Sate Coastal clearance through Public meetings. Based on my professional experience, it

generally takes 9 months and anywhere from \$3 s.f. to \$5 s.f. to address the requirements. That would be \$51,000 to \$85,000 for this 17,000 s.f. building.

Further affiant sayeth not.



Michael King AIA Lic. # C-10404

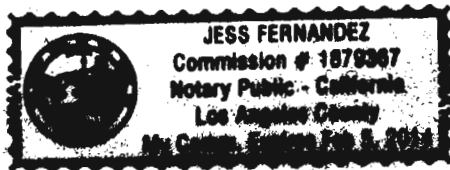
State of California

County of Los Angeles

Subscribed and sworn to before me on
this 5th day of December, 2011 by

Michael King AIA,

proved to me on the basis of satisfactory
evidence to be the person who
appeared before me.



Notary Public

My commission expires:

2/5/2014

EXHIBIT H

**Aerial View of the Historic Venice Main Post Office (“VMPO”)
and Venice Carrier Annex (“Annex”) in Venice, CA**

